Ombudsman
SASKATCHEWAN

Annual Report 2009

WHAT WE ARE

Fair
Independent
Impartial

WHAT WE DO

Negotiate
Investigate
Mediate

HAS GOVERNMENT BEEN FAIR?

Ombudsman
SASKATCHEWAN

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April 2010

The Honourable Don Toth
Speaker of the Legislative Assembly
Province of Saskatchewan
Legislative Building
Regina, Saskatchewan

Dear Mr. Speaker:

In accordance with Section 30 of *The Ombudsman and Children's Advocate Act*, it is my duty and privilege to submit to you the thirty-seventh annual report of Ombudsman Saskatchewan for the year 2009.

Respectfully submitted,

Kevin Fenwick

Kevin Fenwick
Ombudsman

promoting fairness

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Observations

Kevin Fenwick Q.C.
Saskatchewan Ombudsman

It is my honour and privilege to present this 2009 annual report for Ombudsman Saskatchewan. I am both pleased and humbled that in 2009 the members of the Legislative Assembly for Saskatchewan appointed me to this position for a second five-year term. The work of the Ombudsman and his staff is an important part of the workings of government and I look forward to contributing to that work during my second term.

What We Do

So, just what does the Ombudsman do? A good explanation can be found in our mission statement, newly revised in 2009. Our mission is to promote and protect fairness in the design and delivery of government services. We used to say that we investigate complaints from citizens about the provincial government. We still do that work, and it is an important part of our mandate, but it is not all that we do.

There are many key words in this mission statement. Perhaps the most important word is fairness. For government to treat citizens fairly, government must make good decisions, must use good processes while making those decisions, and must treat people with respect while doing so.

Our mission statement talks about promoting and protecting fairness. We protect fairness in many ways, often by reviewing and investigating government decisions when people believe that they have not been treated fairly and come to us with a complaint. But we also promote fairness. We do not wait until the complaints come to us. We try to be proactive, watching for issues and government policies that could be improved and making recommendations and suggestions to ensure that government programs are delivered in the fairest way possible.

Our mission statement also talks about the design and delivery of government services. Traditionally, Ombudsman work concentrated mostly on the delivery of those services. Our efforts concentrated mainly on matters of administration and how programs and policies were delivered to the public after they had been implemented. Again, we now try to be more proactive. We offer our services to government agencies when programs are in the design phase. We would rather provide the benefit of our fairness expertise at an early stage so that programs and policies are designed in the fairest way possible and there is less need for people to complain to our office.

Our philosophy is contained in our new vision statement. Our vision is that government is always fair. I sometimes say that the goal of the Ombudsman should be to make himself redundant so that every program is as fair as it can possibly be and there is no need for anyone to ever complain to the Ombudsman. By that measure, I suppose it could be argued that an Ombudsman is successful only if he receives no complaints at all. As hard as we might work to achieve this goal, I suspect that we will continue to have enough work to keep us all busy for a while!

Although we recognize our work is important and is recognized as such, we know that we have much to do to ensure that the public also knows who we are and what we do. I have learned to expect, as often as not, a quizzical look on the face of someone with whom I am having a conversation when they ask my occupation. I enjoy answering the inquiries and explaining the work of the Ombudsman, but I sometimes wish I did not have to do it so often because that would indicate a higher level of public awareness.

Vision

Our vision is that government is always fair.

Mission

Our mission is to promote and protect fairness in the design and delivery of government services.

Values

In pursuit of fairness, we will demonstrate in our work and workplace:

- independence and impartiality
- respectful treatment of others
- competence and consistency
- timely delivery of our services

Goals

Our goals are:

- To provide effective service to individuals, using appropriate methods of service.
- To lead by example, demonstrating fairness in all we do.
- To assess and respond to issues from a system-wide perspective.
- To provide education and training to promote the principles and processes of fairness throughout the province.
- To have a safe, healthy, respectful and supportive work environment.
- To be recognized by the public and government as an independent expert on fairness.
- To promote, provincially, nationally and internationally, Ombudsman Saskatchewan and the institution of the ombudsman.

A Review of the Past Five Years

I am proud of the accomplishments of Ombudsman Saskatchewan during the past five years.

We have introduced the concept of the Fairness Triangle to capture the idea that to treat citizens fairly government must respond to people's substantive, procedural and relational needs. Government must do more than just make good substantive decisions about meat and potatoes issues. Good substantive decisions are only fair if they are accompanied by open, transparent and inclusive processes that involve the people who are most directly affected by the decisions being made. The decision-making processes and the decisions themselves must also take into account the relationship between the government agency and the citizen. Decisions must be made in a respectful way.

We believe that our role is more than just determining whether a government agency achieved a basic minimal level of fairness in its interaction with a citizen. Instead, we have adopted a best practices model. We believe that even if the actions of government achieve that basic minimal level of fairness and we see ways that the service could be improved, we should say so. We call this "raising the bar," that is, striving for the best services possible. We make more recommendations now than we used to because we have raised the bar. And we still expect those recommendations to be followed.

A third accomplishment is that we have deliberately decided to take a more systemic approach in the work that we do. We do this in two ways.

First, we try to look at the big picture with every complaint that comes into our office. Rather than just trying to solve a particular problem, we identify the underlying issues that cause the problem. We look beneath the tip of the iceberg to identify what is under the surface. In this way, the work that we do can have a broader impact and benefit more people than just the individual who may have contacted us with the complaint.

"We look beneath the tip of the iceberg to identify what is under the surface. In this way, the work that we do can have a broader impact and benefit more people than just the individual who may have contacted us with the complaint."

Second, we are making use of the provisions in *The Ombudsman and Children's Advocate Act* that allow me to commence investigations on my "own motion," that is, without receiving a specific complaint. These own motion investigations are very labour intensive and consume significant resources. At the present time we have the capacity to do only two or three of these every year. Nevertheless, we believe that they are important and that they give a great "bang for the buck" because of their far-reaching and long-term implications. A section of this annual report will be devoted to those systemic investigations.

I am very pleased to say that all of these initiatives – the Fairness Triangle, raising the bar, and taking a more systemic approach to the work we do – have been welcomed by government agencies.

More About 2009

In 2009, we celebrated the 200th anniversary of the creation of the first parliamentary ombudsman in Sweden. To mark the anniversary we increased our efforts to make the public aware of the services we provide. We made many presentations to explain the role of our office. At our request the Minister of Justice declared the week of October 12 - 16 as "Fairness Week." We sponsored an essay contest for high school students on topics about ombudsman work.

I attended an international conference of ombudsman in Stockholm, Sweden in June to celebrate the 200th anniversary. With representatives present from ombudsman offices in 85 countries, this was a tremendous opportunity to observe and learn from each other's experiences. The experience demonstrated to me that we are fortunate in Canada to live in a mature democracy where the most basic concepts of fairness are widely accepted and practiced by governments most of the time.

Some of my colleagues do their work in countries where their most important function is to protect basic human

rights. This is government fairness at its most basic level. Others of my colleagues spend much of their time protecting the democratic rights of citizens. It seems to me that this is the next level of fairness. In Canada, on the other hand, where basic human and democratic rights are widely accepted, the work of an Ombudsman generally takes place on a higher plane, that is, dealing with administrative fairness and the fair delivery of government programs. I think that as the work of the Ombudsman evolves, becoming more proactive, dealing with issues more systemically, and utilizing best practices models, we are moving to another and still higher level of fairness.

The numbers of complaints received by our office in 2009 were quite similar to the numbers received in the previous two years. After a steady increase in the number of complaints for about a decade, culminating in 2004, we have seen some decreases in the overall numbers of complaints and now seem to have reached a plateau. I believe that several factors have influenced this trend. Our efforts in being proactive, looking at files more systemically, and delivering our fair practice workshops to government agencies are all paying dividends.

In December 2007, we tabled in the Legislative Assembly a review of Saskatchewan's administrative tribunals entitled *Hearing Back – Piecing Together Timeliness in Saskatchewan's Administrative Tribunals*. Several of the 27 recommendations contained in that report referred to the need for better training for tribunal members. As a follow-up to that report, in 2009 we prepared a desktop resource and training manual for tribunals. It is entitled *Practice Essentials for Administrative Tribunals* and we have already received many positive reviews about the materials. I expect the guide to be widely utilized and very helpful for ministries and tribunals in improving their levels of service to the public.

Looking Ahead to 2010 and Beyond

Tougher economic times often lead to more difficult decisions for governments and corresponding increases in the number of citizens dissatisfied with the services they receive from government. We should not be surprised if we see more complaints to our office in 2010. We will continue our efforts to promote fairness in the delivery of government programs as early and as often as possible in order to respond to those needs.

As I look to my second term, I see a number of priorities on the road ahead. Although many of these approaches are resource intensive and require a more comprehensive level of service, we will continue to use our best practices approach, to offer to government the benefit of our fairness lens, and to approach our case work systemically.

When appropriate, we will undertake major and comprehensive systemic reviews. Ideally, I want to increase our capacity so that we can complete three or four such reviews every year. I will continue to encourage the creation of fair practices offices within government agencies to respond to complaints efficiently and in a timely fashion. These offices should have a sufficient degree of independence and authority so that they can respond to individual needs in individual cases. They need to be able to recognize that when it comes to government policy, one size does not fit all. Sometimes discretion has to be exercised so that people come first. The goals of the programs are more important than too strict adherence to policy. We are in the process of developing guidelines we can share with government agencies wanting to establish these fair practices offices.

We have identified health issues as an area where our office has the potential to provide better service and have a larger impact for the benefit of Saskatchewan citizens. During my second term I hope to be able to establish a health unit within our office with specific expertise to respond to complaints about the health system.

I continue to encourage government to take advantage of the provisions of *The Ombudsman and Children's Advocate Act* which provide for referrals of issues to my office by committees of the Legislative Assembly or by Cabinet. In the entire history of this office, no such referral has ever been made. I believe, however, that my office has the ability to perform a useful public service in circumstances where there is a need for an independent review of government action involving matters of significant public interest. I hope that sometime during the next five years I will have the opportunity to prove our worth in such circumstances.

And, of course, an important part of the work we do continues to be the individual complaints we receive from citizens. This work consumes the bulk of our resources. Although we have shifted some of our resources to systemic issues, we will always strive to give timely, independent, and effective service to the many individuals who bring matters to our attention every year.

On behalf of myself and the hard-working and dedicated staff at Ombudsman Saskatchewan, I want to say that we recognize and appreciate the faith placed in us. We believe in the ethic of public service and will continue to do our best to ensure that, as our vision statement says, government is always fair.

Developing Issue for 2010: Risks of Overcrowding in Correctional Centres

In last year's annual report, we commended the Ministry of Corrections for its significant efforts to develop, establish and deliver worthwhile training programs amidst overcrowded conditions in the province's correctional centres. In 2009, overcrowding and the resulting pressures on programming and safety continued to be a problem and, in the current climate of fiscal restraint, there is a risk that underfunding of Corrections could have serious consequences. Ministry officials must be given adequate resources so that they can properly implement those initiatives that were recognized and applauded in the Ombudsman's 2008 annual report.

The opening of the much-needed addition to the correctional centre in Regina in August of 2008 saw many inmates move out of some substandard facilities, but there is still an ongoing shortage of cells. As a result, it is often necessary for inmates to be housed in other – often substandard – facilities, such as program rooms, gymnasiums and parts of the old Regina Correctional Centre, including Unit 4, which was identified in this office's 2002 *Locked Out* report as having unacceptable temperature control issues and poor access to washroom and shower facilities.

At 668 complaints made to the Ombudsman for the Ministry overall, the number of complaints in 2009 was at its highest level in five years. Much of this increase is attributable to issues related to overcrowding.

Overcrowding limits Corrections' ability to deliver programming for inmates. Programming builds personal awareness and marketable skills, which contribute directly to inmates' ability to find work when they return to the community – and inmates who find work are much less likely to commit other crimes.

Programming improves safety within correctional centres by keeping inmates focused on learning and development, but overcrowded jails with a lack of programming are a recipe for disaster. It becomes more difficult to separate gangs or other inmates who may harm each other. Close quarters increase tension. Time drags and inmates sometimes find very negative ways to fill it. Together, these conditions increase the potential for violence and harm to correctional workers and to other inmates.

The new remand centre planned for Saskatoon would take pressure off the existing correctional centres by reducing overcrowding and freeing up program space. It could also provide for programming for inmates awaiting trial, a step which is long overdue.

It is vital that capital projects within the correctional system, such as the remand center planned for Saskatoon, proceed. While sound financial management is important, the safety of citizens, including inmates and corrections workers, must also be a high priority.

Complaints From Individuals

Introduction

In pursuing our mission to promote and protect fairness in government services, we receive many complaints each year about situations and decisions that people believe to be unfair. While we have increased our focus on proactive measures, such as system-wide investigations and our "Fine Art of Fairness" workshops, our core function is still individual complaints.

Every day, government officials and employees make decisions that impact people's lives - sometimes profoundly. Often, people feel intimidated by what seems to them to be the powerful machinery of government. They need to know that our office is available to make impartial reviews, scrutinize government files, and make recommendations when something needs to change. Even when we don't think a change is needed, it is valuable for people to know that an independent office has reviewed the issues and was able to offer an unbiased perspective.

A Range of Services

Every complaint is different and deserves to be dealt with appropriately. One size does not fit all. For example, our services on any particular file may include any combination of:

- coaching
- negotiation
- facilitated communication
- mediation
- investigation

In some cases, that means a little initial help; in others a full-fledged investigation or just about anything in between.

A Range of Outcomes

Depending on the circumstances of the complaint, our actions on the file, and the response of government, there are many possible outcomes:

- During the course of our work on the complaint, the government office may voluntarily take steps to correct or improve the situation.
- We may decide that the government office acted unfairly or could have done a better job. If so, we would make a recommendation, stating what we think they should do.
- We may decide that the government office made a fair decision, but could have done a better job of explaining it - so we would ask them to do this.
- We may decide that the government office acted fairly and nothing more needs to be done.
- The person who brought the complaint may develop a better working relationship with government.

A Range of Issues

This section contains a sampling of the kinds of complaints we received in 2009. Some were resolved quickly and others took more time. Each had a unique set of circumstances and presented different challenges. Overall, they offer a window on the work we do and the people we interact with both inside and outside of government.

The names in this section have been changed to protect the confidentiality of those involved.

But I Was Here All Along!

Ministry of Health – Community Care Branch

Type of Service: Early Resolution

Blaine was preparing for a high school trip outside Canada, when his grandparents discovered that he was no longer eligible for health coverage in Saskatchewan, and in fact had not been eligible for a few years. This was a surprise to them since Blaine had been born in Saskatchewan and had never lived anywhere else. They had adopted him when he was very young and he lived with them. Somehow, Health records showed that Blaine was living in another province. Over the next few years, Blaine's grandparents attempted to get the records corrected and his health coverage reinstated, but to no avail.

During this time, Blaine had been generally healthy, but at 18, he became ill. He needed doctor appointments, medication and a hospital stay. Since there was still no coverage for him, the bills were all sent to his grandfather.

Meanwhile, his grandparents had one more idea about what could have caused Health to believe he was not a Saskatchewan resident. His mother lived out of the province and may have claimed at some point that Blaine was living with her. They contacted Health again to see if this could be a possibility and to confirm that Blaine had never lived anywhere but Saskatchewan.

By now, there was the added complexity that Blaine was now an adult and Health wanted to deal directly with him and not with his grandfather. Finally, the request came back denied once again, with no health card for Blaine and all the medical bills to pay. In addition, Blaine had not yet fully recovered and might require more doctor or hospital visits, which he was avoiding because of the lack of coverage. Blaine's grandparents did not think this was fair and contacted our office.

We contacted Health to inquire about the situation. They looked into it more fully and responded quickly. The next day, Blaine's grandfather learned that Blaine's health coverage would be reinstated as retroactive by one year, so all his recent medical expenses would be covered, and he would have the same access to health services as any other Saskatchewan citizen.

Closed as: Resolved

I Don't Dig It

Ministry of Environment – Lands & Forest Division

Type of Service: Investigation & Mediation

As owner of a sand and gravel business, Brad wanted to lease a gravel pit that was close to his home community. The pit was on Crown land, so he sent an application to his Conservation Officer. The Conservation Officer noticed that the area Brad was interested in was near an existing lease that was not properly staked, so he asked the Lands Branch of the Ministry of Environment to clarify the exact location of the existing lease so Brad could properly request the area he was interested in. The Conservation Officer asked Brad to wait until this was done.

More than a year passed and a gravel company from outside the province applied to lease three sites in and around the same area. They were given permission from Lands Branch to proceed. When Brad realized that they were planning to extract sand and gravel from the same area he had applied for, he complained to the Ministry. He also tried to find a way to work with the new company and to see if they would co-lease the area with him. This did not work out and over the next two years, the other company sold significant amounts of sand and gravel to Brad's community. Brad had successfully applied for one other location, but it contained only sand and he had to buy his gravel at full market value from the company that was leasing the gravel pit he wanted. This made it difficult to compete on bids that required gravel.

Lands Branch had acknowledged to Brad that they made a mistake by approving the out-of-province gravel company's application before Brad's. However, they were not prepared to cancel the lease with the other gravel company. Lands Branch suggested that Brad find another location to apply for another gravel pit lease. Gravel pits were, however, a rare find in that area, so Brad wanted to lease the land he originally applied for and did not think he should have to search out new sites.

In the meantime, the original existing lease near the one Brad wanted had come up for renewal and for a time there appeared to be a possibility that Brad may be able to lease it, but it was renewed by the company with the existing lease, who then sold the lease to a third party – a step approved by Lands Branch.

Now, three years had gone by since Brad's original application and he still did not have the lease he applied for, or anything comparable. He contacted our office for help.

Our investigation found that Lands Branch had made several process mistakes and shown favouritism. For example, they had made Brad wait for the land he wanted to lease to be properly staked. While he was still waiting, they allowed the out-of-province company to go in and do the staking themselves – which Lands Branch then accepted without question and approved the corresponding lease applications. The result for Brad was lengthy delays and lost revenue. It was difficult to determine just how much revenue Brad had lost, but it was clearly significant.

Recommendations Made:

1. That the Ministry locate, in consultation with Brad, an alternative gravel site taking into account quality of materials, distance to the source and the cost of the development.

2. That those associated costs related to locating a source and the development of the source be borne by the Ministry.

After receiving our recommendations, the Ministry of Environment asked for a mediation process with Brad. He agreed to this and we arranged for the Dispute Resolution Office to facilitate the mediation, which we participated in as well. Two mediation sessions were held and the end result was that Saskatchewan Environment signed a service contract with Brad for him to seek out promising sites for new gravel pits. He found two. Saskatchewan Environment then agreed to pay Brad a further amount to clear the sites and cover some of the lease fees.

The Ministry also committed to improve their processes for staking lease areas so as to avoid confusion in the future, especially where leases are adjacent to one another.

Closed as:
Recommendations Made
Status: Accepted

Accolades

Every year we recognize people within government who prove their commitment to fairness by their actions. When we "catch" someone making an extra effort to act fairly, we like to recognize them with a public thank you. This year's Accolades are listed throughout the "Complaints from Individuals" section in the blue columns.

To those of you within government who we didn't "catch" and you made an extra effort to act fairly: our thanks to you as well.

Paul Leech
Director of Corporate Services
Ministry of Health
Thank you for working quickly to resolve a problem and restore a health card to a young adult who needed medical services.

Justin Harder
Community Intervention Worker
Ministry of Social Services
Thank you for your diligence and sense of calm in dealing with a difficult case.

Probably? Probably Not

Ministry of Corrections, Public Safety & Policing – Prince Albert Correctional Centre

Type of Service: Investigation

Brandon was an inmate at the Prince Albert Correctional Centre. One afternoon at 3:00 he was moved to a different cell. The next morning at 10:00, corrections workers did a search of the unit and found two "shanks" (makeshift knives) in the vent above the desk in his cell. They told him the shanks were made from the metal light switch cover. In its place, the light switch was covered over with paper, tape and paint.

Corrections workers charged Brandon with an offense and he had to appear before the centre's discipline panel. Brandon insisted the shanks were not his. He told the panel that he had cleaned the cell when he moved in, but did not look in the vent. He said that he did not have time to make the shanks and hide them in his cell and that he did not have access to paint to camouflage the space around the light switch. The panel told Brandon that it doesn't take long to make shanks and these were found in his cell, so he was guilty. They gave Brandon 10 days of cell confinement, but made it a suspended sentence because there was some level of uncertainty about what happened. Brandon did not think this was fair and called our office.

We investigated his complaint and found that the cell had not been searched before he was moved into it, so there was no way of knowing for sure who made the shanks and hid them in the vent. Discipline panels are required to make their decisions based on a "balance of probabilities" – what was most likely to be true, rather than not. If they had done so in this case, the most reasonable conclusion would have been that Brandon did not make and hide the shanks. Instead, the panel appeared to have altered its approach by finding Brandon guilty and giving him a break by using a suspended sentence.

Recommendations Made:

1. That the Ministry of Corrections, Public Safety and Policing ensure that all discipline panels use the balance of probabilities test when determining whether an inmate has committed a disciplinary offence.

2. That the conviction and sentence imposed upon Brandon be expunged from his record.

The Ministry accepted the recommendations and noted some related developments. Based on recommendations from the External Investigation Team's report into the escape of six inmates from the Regina Correctional Centre on August 24, 2008, corrections workers would now conduct a cell and fixture inventory each time an inmate is placed in a different cell. This would prevent the type of uncertainty that existed in Brandon's case. The Ministry also noted that they were in the early stages of a full review of segregation and disciplinary policies and procedures.

Closed as: Recommendations Made
Status: Accepted

A Place of Their Own

Ministry of Social Services – Income Assistance & Disability Services

Type of Service: Early Resolution

Bess and her four children had moved out of their home and were staying in a shelter. They now needed finances and a place of their own. Bess qualified for social assistance and was told that her monthly funding for rent would be $465. With the very low vacancy rates in her community, rent was starting at $700. She found out that there was a rental supplement she could apply for to make up the difference, but she could only apply for the supplement if she was already renting – and she couldn't get a place to rent without the supplement. Bess did not think this was fair and contacted our office.

There was another possible avenue of support called an excess shelter allowance. It allows for extra funding for up to three months to those who have to look for a different place to live. The Assistant Supervisor Bess had talked with did not think she met the criteria because he assumed she would have to already be renting to qualify for it. We assessed the relevant part of the Social Assistance Program policy and believed that it did fit Bess's situation. We asked the Assistant Supervisor to reconsider his interpretation of the policy and when he discussed it with his Supervisor, realized that the excess shelter allowance could be applied in Bess's situation. He told us he was "happily overruled" and granted her the allowance for the next three months. Now she could seek out a place to rent and then apply for the supplement.

Closed as:
Situation Improved

Medically Necessary?

Ministry of Health – Medical Services Branch

Type of Service: Investigation

Following elective surgery, Bernard was in constant pain. His doctor tried various non-surgical interventions, but the pain continued. After five years, Bernard's doctor provided two options: reversal of the procedure or a more invasive surgery. His doctor recommended reversal of the original procedure, with a 60-70% chance of stopping the pain.

Although the province paid for the original surgery, the reversal was not covered. Bernard's doctor wrote to the Ministry of Health, noting the reason for the operation and requesting that the operation and hospital stay be covered – a total cost of $2,459. The request was denied. In hopes of ending the pain, Bernard went ahead with the operation and paid the cost himself. Just as he had hoped, the pain disappeared. All the same, Bernard thought it was unfair that the province would not pay for the procedure and he contacted our office.

Our investigation found that reversals of this type are normally uninsured beacuse they would be considered personal and not medically necessary. The Ministry of Health refused coverage based on these general assumptions in spite of the actual facts in Bernard's case. Ironically, if Bernard's doctor had chosen the more invasive surgical procedure, that operation would have been approved, and its purpose would have been exactly the same.

While we understood the rationale for not insuring this reversal operation in most cases, we saw this case as unusual. Pain after this type of operation is uncommon. It can sometimes be managed with medication and usually goes away on its own within a year or two. In Bernard's case, chronic pain continued five years later, making his situation quite rare.

The purpose for Bernard's operation was to try to stop the pain and his doctor saw it as medically necessary. In unusual situations like Bernard's, we believe it is important for government to use its discretion to ensure a fair ap-

Accolades

Ronn Wallace
Director of Health Registration
Ministry of Health
Thanks for helping two families with health card issues. One had unique medical needs and the other an issue with accuracy of information.

Carol Wyman
Customer Service Representative
SaskEnergy
We appreciate the consideration you showed for a family with a tight budget and medical concerns. Thank you for setting up a payment arrangement they could manage.

Joanne Yurkowski
Business Manager Customer Services
SaskEnergy
Thank you for making special arrangements for a senior with cancer and a skin condition. He needed to get billing into his own name, but an old SaskEnergy debt (that he was gradually paying down) would normally have to be paid in full first. On his fixed income, this would have been impossible.

plication of regulations, and even to make exceptions when appropriate. We presented our views to the Ministry and recommended Bernard be reimbursed.

Recommendation

That the Ministry of Health pay to Bernard the sum of $2,459 being the costs incurred by Bernard for his surgery reversal.

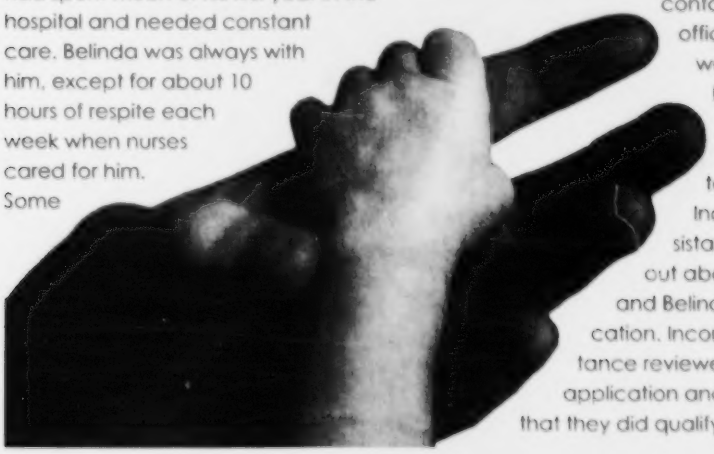
Closed as: Recommendations Made
Status: Accepted

Medical Supplies

Ministry of Social Services - Income Assistance & Disability Services

Type of Service: Early Resolution

Boyd and Belinda's son was born with several serious medical conditions. He had spent much of his first year in the hospital and needed constant care. Belinda was always with him, except for about 10 hours of respite each week when nurses cared for him. Some of the medical supplies he needed daily were not covered by Saskatchewan Health benefits, which cost Boyd and Belinda $400 - $700 per month. They had older children to care for as well. At first, neither of them could work because all their time was taken with the urgency of the situation. Now, they had spent all their savings and Boyd was working again, but they were struggling to meet expenses.



They applied for the Saskatchewan Employment Supplement (SES) and were denied because the Income Assistance Division determined that Boyd was making too much money to qualify. The funds were calculated based on a monthly amount, however, and Boyd was paid bi-weekly. The month they applied was one in which Boyd had received three cheques, based on where his paydays fell on the calendar. As a result, it looked like his wages were higher than they really were. The couple did not think that Income Assistance took the pay periods or the medical expenses into consideration.

Boyd and Belinda were determined to work together to support their family in a very difficult situation, but they could not do it alone and they did not think it was fair that they were refused the additional support they needed. They contacted our office to see if we could help.

We contacted Income Assistance to find out about Boyd and Belinda's application. Income Assistance reviewed the application and found that they did qualify for a small supplement. More importantly, however, because they were now part of the SES program, they also qualified for additional health benefits, and their son's medical supplies would now be covered.

Closed as: Resolved

No Refund

Ministry of Health – Community Care Branch

Type of Service: Investigation

Bonnie's mother Barb was living in a personal care home – a house occupied by one or more seniors and run by an individual who may hire staff to help care for the seniors. Based on concerns raised by Bonnie and her siblings, the regional health authority reassessed Barb's condition and found that she needed to move to a nursing home for long-term care. They found a spot for her and notified the personal care home operator of the move.

When such a move takes place *The Personal Care Homes Act* requires that the personal care home refund to the former resident the remainder of any fees, effective from the third day after the person's belongings have been moved out. Barb moved out on the 18th of the month, but the care home operator refused to refund the fees – over $400.

Bonnie took her complaint to the Ministry of Health's Community Care Branch, which investigated and

agreed that the care home operator should pay and asked her to do so. She continued to refuse, stating that she interpreted the Act differently. When the Community Care Branch did not force the operator to pay back the money, Bonnie contacted our office.

We found that the Community Care Branch had weighed their options and had consulted with the Ministry of Justice to find out whether they could take any further action. Justice had advised that there was not enough wrongdoing to warrant closure of the care home and there did not seem to be any other option for enforcing the Act.

Partway through our investigation, a strongly-worded letter from Bonnie's lawyer prompted the care home owner to pay. While we were pleased that Bonnie and Barb were finally paid back, we saw the situation as a potential risk for other families. In fact, we found that there had been other residents who had moved into long-term care and the same care home operator had also refused to pay them back.

We identified two gaps:

1. There was a need for some mechanism separate and apart from the licensing and prosecution process to address circumstances like this one. Otherwise, families are expected to go to the expense of taking civil action to remedy these types of disputes.
2. We also thought that potential residents and their families should have more information up front when they are choosing a personal care home.

We made two informal suggestions to this effect, which were accepted by the Ministry of Health.

Closed as:
Situation Improved

A Contract is a Contract

SaskTel

Type of Service: Investigation

Bob wanted to take out a loan to buy a car, but was turned down because his credit rating was too low. The cause was an old debt to SecurTek, a SaskTel company, for his home alarm system.

Three years earlier, Bob's business had failed. He had been unable to pay his business phone bill and had cancelled the service. He believed that SaskTel then transferred the debt from his business phone account to his home phone account. When his home phone bill was in arrears and he was unable to pay in full, SaskTel discontinued service to his home phone.

At the same time, his SecurTek home security alarm stopped working and he believed SaskTel told SecurTek to end the service. Since the security system was not working, he stopped paying the SecurTek bill each month. SecurTek then charged him for unpaid monthly service fees and a termination fee for early cancellation of his contract. He did not think SaskTel and SecurTek had acted fairly, and was frustrated that this old debt was now affecting his ability to buy a car. He contacted our office with his concerns.

Accolades

Ken Acton
Director (former)
Dispute Resolution Office
Ministry of Justice and Attorney General

Glen Gardner
Acting Director
Dispute Resolution Office
Ministry of Justice and Attorney General

Many thanks for developing a workshop based on the guide our office developed: *Fair Practices for Administrative Tribunals*. The workshop will help administrative tribunals in Saskatchewan make best practices a priority.

Terry Chinn
Director (former)
Office of Residential Tenancies

Thank you for taking time to meet with a senior landlord who did not understand the hearing process and did not feel heard during his appeal. You listened to him and explained what decisions are made, how and why they are made and what they are based on – all in a way he could understand for his current issue and for the future.

Our investigation found that SaskTel did not transfer the amount Bob owed on his business phone account to his home phone account. The unpaid business phone bill had remained unpaid for six months, then SaskTel had turned it over to a collection agency.

We found that Bob's home phone bill had been also been in arrears and had actually gone to collection before his business phone – so the business phone charges could not have been transferred over to his home phone. After his home phone service was cut off, Bob had contacted SaskTel and asked what it would cost to restore that service and they told him. Bob paid his outstanding SaskTel bills but he did not pay for or ask to end his SecurTek service.

Bob had assumed that his home security service stopped working because SaskTel must have notified SecurTek. We found that this did not happen. The SecurTek alarm only works if it is connected to a live phone line, so when the phone service stopped, the alarm system stopped working.

Based on the contract Bob had signed with SecurTek, maintaining an operational phone line was his responsibility. SecurTek could rightfully expect him to continue paying the monthly service or cancel the service and pay an early termination fee, which is what he agreed to when signing his contract. When he did neither and did not respond to their attempts to contact him, SecurTek cancelled his service early and charged him the outstanding monthly usage fees, as well as the early termination fee outlined in his contract.

We found that SaskTel had, upon learning of his situation, offered to give him a break. He would only have to pay the SecurTek contract early termination fee and no further monthly charges, as they agreed he did not have the security system active for those months. Bob, however, did not believe he should pay anything and refused to do so.

We found that SaskTel acted reasonably and that SecurTek followed the contract Bob had signed with them. We explained our findings to Bob and closed our file as situation improved because Bob now had a better understanding of what had happened and why. It was up to him to decide if he would accept the reduced bill and close his account. If he did not, the full amount would remain owing and would go into collection.

Closed as:
Situation Improved

I Need This Job

SGI

Type of Service: Investigation

Basil owed SGI money because of vehicle accidents he had while uninsured. After paying down part of what he owed, he was unable to pay for a time. Now, he had applied for a new job and was about to be hired – provided he could open a bank account where his paycheques would be deposited electronically. To open the bank account, he needed ID. He tried to get photo ID from SGI, but they refused because he owed them money – even though getting the ID would ultimately help him pay the remainder of his debt. He contacted our office to see if we could help.

About this time, two other people called our office who complained that they had tried to get photo ID, but had trouble because they were told the supporting ID they presented was not sufficient. In all three cases, we either worked with or referred the people to SGI's Fair Practices Office, which was able to convince SGI to make exceptions. While we were glad the Fair Practices Office was able to assist these people, the complaints raised some questions about SGI's process for issuing photo ID and we decided to look into it further.

We found that SGI had made a business decision not to issue photo ID to anyone who owed them money. While we could understand that SGI may not want to offer insurance in these circumstances, we saw photo ID as something quite different. Photo ID costs $10. It is paid for when it is issued, so there is no future expectation of payment and therefore no risk of nonpayment. Further, it is the only provincial government-issued ID for Saskatchewan citizens.

In addition, this $10 item can greatly impact the lives of those who need it. Like Basil, people with limited means, or people who have lost their ID or are transient may find that having photo ID can mean the difference between working and opening a bank account – or not.

Also, in at least some cases, SGI was asking for the same support documents for photo ID as for a drivers' license instead of only asking for what would be required to prove identity.

We discussed the matter with SGI officials and they volunteered to include it in a broader internal review. Following the review, SGI informed all agent offices not to consider debt to SGI as a

factor when issuing photo ID. The reasons were:

- A non-driver photo ID card is not a core business driver licence or vehicle registration product for the Auto Fund.
- The SGI non-driver photo ID card is the only government issued photo ID available to Saskatchewan residents.
- British Columbia, Alberta and Manitoba do not refuse issuance of a non-driver photo ID card for any reason.

Closed as: Resolved

Triple Trouble

SaskPower

Type of Service: Negotiation

Brenda lived in a duplex. When she first moved in, an advocate who had been working with her advised her to have the power bill put in her name. She did this, but then realized that it was a mistake. There was one power meter – and therefore one bill for both units in the building. Brenda's half of the bill was being paid each month, but the other tenant's was not. Because Brenda's name was on the bill, SaskPower saw her as responsible for the entire amount.

She contacted SaskPower and tried to explain her situation and get the billing corrected. They refused. She asked the landlord to put the billing in his name, but he would not. He told her it was her responsibility to collect the other tenant's portion and make the payment.

Brenda said she was afraid of the other tenant because the other tenant had threatened her and broken her windows. When Brenda had complained to the landlord, he had threatened to evict Brenda.

With only half of the power bill being paid, it was not long before Brenda received a disconnection notice from SaskPower. She was desperate. She needed to keep her power on, she felt unsafe and she did not think her landlord or

Accolades

We extend the following Accolades to organizations or work groups.

SaskPower

Our thanks for your sponsorship of a community program that teaches sound budgeting. The program includes advice that will help participants resolve utility payment issues more proactively.

Immigration Services
Ministry of Advanced Education, Employment and Labour

Thank you for asking our office to review and provide feedback on your proposed appeal process before implementation.

Saskatchewan Crop Insurance Corporation

Thank you for making fairness a priority in your adjuster training. You made our "Fine Art of Fairness" course one of the requirements for adjuster certification and many of them have completed the workshop.

SaskPower were being fair. Her social worker agreed and suggested she contact the Office of Residential Tenancies and our office.

The Office of Residential Tenancies held a hearing and she was able to present her concerns about the landlord, including his refusal to put the power bill in his name. While she was waiting for the results, SaskPower advised her that if the overdue amount of $562 was not paid within the next few days, the power for the building would be cut off. Brenda contacted our office.

We called SaskPower and explained the situation. The contact person said they were not aware that this was a duplex with only one meter, but that they still expected Brenda to pay and would not take her name out of billing unless the landlord asked to have it put in his name. We urged SaskPower to postpone disconnection for a few weeks to allow time for the ruling to come from the Office of Residential Tenancies. The contact person reluctantly agreed.

When the results came back, the Office of Residential Tenancies had ruled in Brenda's favour and ordered the landlord to pay the outstanding amount and transfer the billing to his name.

Our office contacted SaskPower to make sure they were aware of the outcome and to verify that the landlord had followed the Office of Residential Tenancies' Order . We thanked them for following our request which, in the end, helped them get their bill paid and solved Brenda's problem.

Brenda was pleased that the situation was sorted out and that she would not have to go without power or pay someone else's bill. She also decided to move and found a place to rent where she felt safer.

Closed as: Resolved

Family Name

Information Services – Vital Statistics
Ministry of Health – Health Registration

Type of Service: Early Resolution

Ben and his five younger siblings came to Saskatchewan as refugees. Their parents were no longer living and Ben, at 21, was looking out for the family with assistance from Social Services. First he and his two brothers came, then their three sisters. When the sisters arrived in Canada, someone spelled their last name incorrectly on their official documents. In addition, the first name of one of the sisters was also spelled incorrectly. Shortly after arrival in Canada, one sister had a baby and the baby's last name was also spelled incorrectly on the birth certificate application. The family tried to get the error corrected, but was unsuccessful. The girls had also been assigned default birthdates of January 1 and they wanted documents to reflect their real birthdates. Federal government workers told them to get their paperwork sorted out in Saskatchewan and to submit the correct spellings there.

When they arrived in Saskatchewan, the siblings mailed in requests for health cards. The cards came back with the wrong information, which was based on the federal documents. The family was not sure what to do next and an advocate who was working with the family called our office to see if we could help.

We contacted Vital Statistics and explained the situation. The contact there asked if he could see the affidavit that the older brother would have signed with Social Services. We arranged for it to be sent to Vital Statistics. The information on the affidavit was correct, so Vital Statistics was able to provide Health with new information for corrected health cards.

Meanwhile, someone in the federal government incorrectly advised Ben to send his health cards to Vital Statistics to request corrections to them and he had mailed them out. We contacted Vital Statistics and they took action, rerouting the cards and returning the accompanying documents to Ben.

A short time later, Ben received the girls' corrected health cards. He would still have to convince the federal government to change its records in order to get correct passports and we would not be able to help him with that, since federal matters are outside our jurisdiction - but the provincial records were now correct.

Closed as: Resolved

Compounding Errors

Ministry of Social Services – Housing

Type of Service: Investigation, Facilitated Communication

Beatrice was a senior receiving the Canada Pension Plan (CPP). In July, she moved into a provincial housing authority unit so she could have affordable rent. She was looking for a job, so her rent was initially calculated based on her CPP income, with the understanding that the amount would change when she found work. In August, she got a part-time job, but did not submit her bi-weekly pay stubs right away because she did not get them from her employer. The manager of the housing authority left at the end of July and a couple of months later, a new manager requested all her pay stubs in order to provide verification of income to the Housing Division accounting section. She submitted these in December and her rent was re-calculated to account for her change in income and her lease rent was changed as of January 1.

From January on, Beatrice found herself paying quite a bit more rent than she had expected. Over the next several months, she continued to submit her pay stubs and her rent amount fluctuated but she did not know why. She did not think the changing amount was correct. She thought that because she had the same income from CPP and from her job every two weeks, her rent should stay the same. She believed that it was being miscalculated and when she would ask for an explanation or a review of her "base rent," she did not understand the information the manager gave her, and thought it was inconsistent. She felt that the manager was rude and disrespectful to her and she felt abused. She also asked the housing authority board chair about her rent and she felt that the chair was not helpful and seemed to be upset with her.

She did not think the situation was fair so she contacted our office. She told us that she wanted to understand how her rent was calculated and what it should be on a regular monthly basis. She needed to know so she could budget for it, as her income was low and she could not manage the changing rent amount. The amount was automatically deducted from her bank account each month and had already caused a problem on her account. She was interested in having us facilitate communication with the housing authority manager because she did not want to talk to him alone based on how she felt she was treated.

We investigated Beatrice's complaint and found three types of issues: Substantive (what was decided), process (how it was decided) and relational (personal interaction).

Substantively, there were problems with the rent calculation.

When a tenant begins renting from a housing authority, rent is supposed to be calculated using the past 12 months' income to determine the lease rent. The lease rent is a monthly amount stated on the one-year lease that the tenant signs. If the renter's monthly income varied during the past 12 months or if the renter is paid bi-weekly, the lease rent is calculated on the month with the highest income and takes into account bi-weekly pay periods.

Lease rent can only be changed annually when it is up for renewal. However, throughout the year, public housing allows for "adjusted rent" if the current income decreases, causing hardship in paying the lease rent. Adjusted rent can be lower than the lease rent, but cannot be

more. It can change for three months at a time or one month at a time.

Beatrice's initial rent was incorrect because it was based on CPP only with an understanding that it would be re-calculated once she had employment income. It should have been calculated as lease rent based on her previous year's income, then adjusted down based on her CPP income.

When Beatrice started working, the amount of her pay stubs plus her CPP should have been used to calculate a new adjusted rent amount. Beatrice had not submitted her pay stubs promptly, however, so for several months, her rent was actually lower than it should have been.

The Housing Division recognized that her rent had not been set up properly, so they decided to view the original arrangement as a six-month lease and then start over.

Beatrice's income was then re-calculated for a lease rent based on her CPP and bi-weekly pay periods, and her rent was increased. However some of those re-calculations were done incorrectly and there was also a problem with the way the housing authority manager was showing the "adjusted rent" as a change in her "lease rent."

The manager had also warned Beatrice that two of her automatic rent payments had come back as NSF and that she would be evicted if it happened again. She had tried to explain that neither instance was NSF: one was the result of a banking delay and the other was a stop payment that she had requested because the previous month's rent had been higher than she thought it should be. She stopped the next automatic payment as she didn't want another unexpectedly high amount to be automatically deducted from her bank account, putting her account into NSF for other bills as well.

We also found that there were **process** issues.

When the housing authority decided to view the original arrangement as a six-month lease and then start over, they did not let Beatrice know that this was what they were doing.

Beatrice had approached the manager more than once with her concerns. She wanted to know how the rent was being calculated, what documentation he needed, when he needed it, and why it was important. He did not explain this to her in a way that she could understand.

This made her even more suspicious and she asked the manager for a review of her rent. He refused and he did not tell her about the appeal process that was available.

The **relational** issues in this situation exacerbated the other problems. Beatrice's interactions with the manager were increasingly strained. She said she felt victimized and abused. On the other hand, he said that she was the one who was being abusive to him. Based on the view he presented to the housing authority and Ministry officials, they saw her as a problem tenant rather than realizing that there was a problem situation that needed to be worked out.

Beatrice wanted a meeting to sort out her concerns, but was afraid to be in the same room as the manager. Instead, we met with a Ministry official and Beatrice. At our request, the official explained in detail how her rent was calculated and Beatrice wrote down the process in her own words. Now she understood what she had to submit and when and why, and what to do if she wanted to appeal. Together, we developed an agreement about how interactions between Beatrice and the manager would proceed in the future. We also met with the housing authority, the manager and the same ministry official to discuss what happened in this situation, and they agreed to how the process would now work – not only for Beatrice but for other tenants.

Closed as: Situation Improved

Systemic Reviews

Introduction

Systemic reviews look at the broad issues affecting a group of citizens or the community at large. These issues come to our attention in different ways. Sometimes several people come to us with the same complaint, and sometimes one person brings a complaint with provincial implications. Systemic investigations can take several months to complete and require dedicated resources. Though equally as important as our investigations into individual cases, systemic reviews tackle the comprehensive policy or structural concerns raised to us about government services. The goal of systemic reviews is to effect change that will provide a collective benefit to those most affected.

A Question of Fairness: The Collection of Overpayments in the Saskatchewan Assistance Plan

Ministry of Social Services

On September 8, 2008, we began a systemic review into the Ministry of Social Services' (Ministry) use of the Canada Revenue Agency Refund Set-off program (CRA-RSO program) to recover already issued income assistance benefits from individuals who had long left the provincial welfare program. The Saskatchewan Assistance Program (SAP) provides benefits to individuals and families who have exhausted all other means of financial support. When individuals receive benefits that the Ministry believes they were not entitled to receive, the Ministry considers this to be an "overpayment of benefits." The Ministry is responsible to collect the overpayment even if the individual has left the Social Assistance Program and the Ministery will use the CRA-RSO program to collect the overpayment.

Under the CRA-RSO program, the Canada Revenue Agency acts as a collection agency for the Province of Saskatchewan by intercepting an individual's income tax refund, GST rebate and provincial tax credits, and diverting that money to the province to repay the SAP overpayment. As of 2007 there were 23,122 closed SAP cases with an outstanding overpayment registered with the CRA-RSO program. The average overpayment of a former SAP recipient was reported to be $1,680.

Since 2004, Ombudsman Saskatchewan has heard from a number of former SAP recipients whose federal entitlements were being intercepted by the CRA-RSO program and sent to the province. According to these individuals, the overpayments were often several years old, were either unknown to or disputed by the individuals, and were at the point where there was no avenue of appeal. Many of these individuals expressed frustration with the process of recovery and believed the process was unfair. As stated by one former SAP recipient, "It feels like there is this big government guy, like the king back in medieval times, and he can take your money and there is nothing you can do about it. It's so hard to get support; the injustice of it is striking."

The Ombudsman does not suggest that individuals who have received Social Assistance benefits to which they are not entitled should not have to repay those benefits to the Ministry. The Ministry is accountable for the public funds it distributes. The legislation that governs the Social Assistance Program requires the Ministry to assess overpayments and

"It feels like there is this big government guy, like the king back in medieval times, and he can take your money and there is nothing you can do about it. It's so hard to get support; the injustice of it is striking."

- former Social Assistance recipient

provides for several methods for recovery of those overpayments. If, however, the Ministry had made a mistake or there is no accessible means for the individual to have that decision reviewed and corrected, the impact on that individual is and can be substantial. For some individuals whose post-welfare income was often marginal, being assigned an overpayment negatively impacted them and their families. As stated by one former SAP recipient: "That recovery of a thousand dollars was like a million dollars to me coming off welfare."

We began our inquiry by reviewing the decision-making processes in the SAP system, beginning with the initial decision that an overpayment occurred and following that decision through to the appeal processes in place and finally to the collection of the overpayment. We wanted to determine if the Ministry and the regional and provincial appeal tribunals, who are mandated to hear these and similar cases, had the necessary policies, procedures, and practices in place to support good public sector decision-making and provide a procedurally fair process to those who were affected by these decisions.

We found several deficiencies throughout the system that could or did result in individuals not being treated in a fair and reasonable manner. We have made 32 recommendations to the Ministry and to the Government of Saskatchewan and we are waiting their response to our recommendations.

"That recovery of a thousand dollars was like a million dollars to me coming off welfare."

- former Social Assistance recipient

Time's Up! An Investigation into the Management of Waiting Lists for Breast Cancer Treatment in Saskatchewan

Ministry of Health

In May of 2009, we received a complaint from an individual diagnosed with breast cancer about the availability and accessibility of oncology appointments and treatment. Waiting lists appear to be an inevitable part of our provincial health care system and one of the most dominant elements of any discussion about that system. Wait times, for better or worse, have become the measure many will use to judge the effectiveness of our health care system.

In October 2009, we gave notice to the Ministry of Health and the Saskatchewan Cancer Agency of our intention to investigate the management of waiting lists for breast cancer treatment. Ombudsman Saskatchewan recognizes that wait times are a complex and multi-faceted issue and one where quick "how-to" solutions add little to the discussion and rarely provide the resolution required. Our review, which will be completed in 2010, will not look at the purely clinical issues associated with waiting lists for breast cancer treatment, but will focus on the administration and management of those waiting lists.

Update on *Hearing Back: Piecing Together Timeliness in Saskatchewan's Administrative Tribunals*

Ministry of Justice and Attorney General, Administrative Tribunals in Saskatchewan

In December 2007, Ombudsman Saskatchewan released the *Hearing Back* report, which focused on administrative tribunals in Saskatchewan. These organizations review decisions and hear appeals for a wide range of issues including auto insurance, utilities, housing and human rights. The review urged tribunals across the province to engage in best practices in five categories:

- Efficient and Consumer-Friendly Processes
- Timeliness
- Board Composition and Function
- Balance Between Accountability and Independence
- Coordination of Tribunals

The Ombudsman made 27 recommendations, 16 of which were labeled as

"for implementation now" – recommendations that individual tribunals could implement on their own. For example:

"Tribunals provide their public materials and their decisions in plain language."

The remaining 11 were labeled "for consultation and implementation."

These were changes that would require tribunals and government to have a dialogue and move forward together. For example:

"The Government of Saskatchewan consider options for coordinating the administrative tribunal system to accomplish the following:

- Facilitate sharing of resources, directing resources to where they are most needed.
- Provide consistency and structure to the system for the benefit of users and members alike."

In the spring of 2009, the Deputy Minister of Justice and Attorney General (which is the ministry with the most administrative tribunals) replied to our office. The letter expressed:

- Acceptance of nine of the "for implementation now" recommendations as appropriate for all tribunals and encouragement to tribunals to adopt these.
- Encouragement to tribunals to implement the remaining "for implementation now" recommendations, based on what would be applicable to them (recognizing, as we did in our report, that some recommendations will be more applicable to certain tribunals, depending on their mandate and legislation).
- A commitment that the government will continue to monitor its tribunals and respond to issues raised in our report.
- That the Deputy Minister had written to other Deputy Ministers responsible for tribunals to draw their attention to the report, the response from the Ministry of Justice, the guide we were developing, and the related training that would be available.
- That the Deputy Minister had drawn the "for consultation and implementation" recommendations to the attention of officials at Executive Council who are working on a comprehensive review of boards and commissions across government.

Our office now considers the "for implementation now" recommendations as accepted. We have assigned the "for consideration and implementation" recommendations a temporary status of partially accepted, which we will update when the Executive Council's review is complete.

Practice Essentials for Administrative Tribunals

Ministry of Justice, Administrative Tribunals in Saskatchewan

After tabling *Hearing Back*, Ombudsman Saskatchewan recognized the need for a document that administrative tribunals could use as a guide to best practices. As a result, we developed *Practice Essential for Administrative Tribunals*.

The purpose was threefold:

- a desktop resource for design and delivery of quality processes at tribunals
- an orientation and training tool for tribunal members
- a best practices reference for public servants and others whose decisions may be appealed to administrative tribunals

Chapter titles are:

Chapter 1: Administrative Tribunals and the Canadian Legal System
Chapter 2: Governing Your Administrative Tribunal and Yourself
Chapter 3: Conducting a Fair Hearing
Chapter 4: Making and Writing Good Decisions

The Dispute Resolution Office in the Ministry of Justice and Attorney General developed a workshop based on the guide. Those who are interested in the workshop are welcome to contact the Dispute Resolution Office at 306-787-5747.

Electronic copies of the guide may be downloaded at no cost from www.ombudsman.sk.ca (click on Brochures & Reports) or from the Queen's Printer at www.publications.gov.sk.ca. Paper copies are available from the Queen's Printer for $25 each.

"I just wanted to say what a valuable document this is. It is so well done! It captures almost every question that I have had in the last 10+ years. It will serve as such an excellent guide for training and reference."

- Joanne Sproule
Deputy City Clerk
Administrative Services Manager
City Clerk's Office, City Hall
Saskatoon

Recommendations

While many complaints are resolved at earlier stages, some require further action. If, at the end of an investigation, we determine that government was unfair or could have done better, we will make one or more recommendations. This section of the report is a record of all the recommendations we have made throughout the year.

For 2010, we plan to publish our recommendations more frequently as a means of keeping the public up to date with our work.

The names in this section have been changed to protect the confidentiality of those involved.

I Don't Dig It

Ministry of Environment - Lands & Forest Division

As owner of a sand and gravel business, Brad wanted to lease a gravel pit that was close to his home community.

The request was delayed and an out-of-province gravel company was given the contract. Although the Ministry acknowledged they had made a mistake, they were also unwilling to change the contract and give it to Brad. For more details, see "I Don't Dig It" on page 9.

Recommendation #1:
That the Ministry locate, in consultation with Brad, an alternative gravel site taking into account quality of materials, distance to the source and the cost of the development.

Status: Accepted

Recommendation #2:
That those associated costs related to locating a source and the development of the source be borne by the Ministry.

Status: Accepted

She Paid Too Much

Ministry of Health – Community Care Branch

Before Bernice passed away, she had Alzheimer's and lived in a special care home. When her executor reviewed her estate and caught up on her income tax forms, he found that she should have been charged less for her stay at the care home. In the absence of this information, the home had charged the maximum fee for the past three years of her stay. When he asked the care home to revise these fees they would only recalculate the last four months and would not go any further back. We agreed that Bernice could not have been expected to complete income tax forms given her condition.

Recommendation:
That the Ministry recalculate the resident fees charged to Bernice retroactive to October 2003 and credit her estate accordingly.

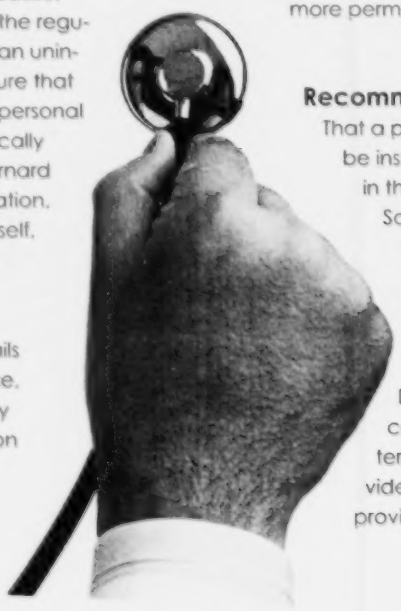
Status: Not Accepted
The Ministry did not accept the recommendation because officials felt the regulations did not allow a retroactive recalculation of resident fees. They did, however, decide to review their admissions procedures to ensure family members would be aware of the regulations and implications.

Medically Necessary?

Ministry of Health – Drug Plan & Extended Benefits

Following elective surgery, Bernard was in constant pain for five years, so his doctor recommended a reversal operation. The Ministry of Health refused coverage because, according to the regulations, it was an uninsured procedure that is considered personal and not medically necessary. Bernard had the operation, paid for it himself, and the pain stopped.

For more details about this case, see "Medically Necessary?" on page 12.



Recommendation:
That the Ministry of Health pay to Bernard the sum of $2,459 being the costs incurred by Bernard for his surgery reversal.

Status: Accepted

Privacy Please

Ministry of Corrections, Public Safety & Policing – Saskatoon Correctional Centre

Privacy was minimal in washroom facilities in new dorms at the Saskatoon Correctional Centre. A low divider between the toilets permitted full view of the person using the facilities to anyone standing. In accordance with this office's 2002 *Locked Out* report, we pointed out that privacy should be afforded those using the toilet, whether in the form of a privacy screen or some more permanent fixture.

Recommendation #1:
That a privacy screen of some sort be installed in front of the toilets in the dorm washrooms at Saskatoon Correctional Centre.

Status: Accepted
Before we issued a formal recommendation, the Deputy Minister visited the correctional centre and determined that walls and dividers would be increased to provide more privacy.

Probably? Probably Not

Ministry of Corrections, Public Safety & Policing – Prince Albert Correctional Centre

Brandon was charged with making and hiding two "shanks" in his cell less than 24 hours after being moved there. The shanks were made from the metal light switch cover. In its place, the light switch was covered over with paper, tape and paint.

Corrections workers charged Brandon with an offense and he had to appear before the jail's discipline panel. He said that he did not have time to make the shanks and hide them in his cell and that he did not have access to paint to camouflage the space around the light switch.

For more details about this case, see "Probably? Probably Not" on page 11.

Recommendation #1:
That the Ministry of Corrections, Public Safety and Policing ensure that all discipline panels use the balance of probabilities test when determining whether an inmate has committed a disciplinary offence.

Status: Accepted

Recommendation #2:
That the conviction and sentence imposed upon Brandon be expunged from his record.

Status: Accepted

Where Do We Go From Here?

Ministry of Social Services – Community Living

Brody, a young adult with mental and physical challenges, had been discharged from a few supported living environments. His caregivers had trouble keeping up with his medical needs and controlling his aggressive behaviours. As a result, he was once again living at home with his parents, who requested that Social Services either find him an appropriate living situation or pay them for providing it.

Our investigation found that Brody's situation was unique and that there did not appear to be an appropriate living situation for him, at least in the short term. While we understood the rationale of the Ministry's policy not to pay family for caring for their own children, this was a unique situation in which the family had no alternatives and they were carrying the costs of his care alone.

Recommendation #1:
That the Ministry provide program funds that are consistent with Brody's DSL 4 rating.

Status: Accepted

Recommendation #2:
That the Ministry bring in an independent assessor to determine what services are required by Brody's family.

Status: Accepted

Recommendation #3:
That the Ministry continue to work with Brody's family to develop an appropriate long term care plan and placement for Brody.

Status: Accepted

Recommendation #4:
Provide the family with sufficient funds to provide for Brody's care at home.

Status: Accepted
The Ministry's policy does not allow families to be paid for providing care to their adult children, but they were able to make arrangements so funding could be provided for Brody's care until appropriate resources were available.

A Debt in Question

Ministry of Social Services – Income Assistance & Disability

Beth, a former social assistance recipient, had disputed a series of overpayments that Social Services said she owed. She had thought the matter was settled until years later when her income tax return was taken via the Canada Revenue Agency Refund Set-off program.

We investigated Beth's case. Several of the overpayments were correctly assessed and applied, but one significant overpayment was incorrectly assessed.

In addition, we were concerned about the process and communication issues that came to our attention through Beth's case and others, so we began a systemic review of Social Services' process of assigning and collecting overpayments. This review was in its final stages at the end of 2009 and will be reported on further in 2010. For more information see "A Question of Fairness" on page 20.

Recommendation #1:
The Ministry of Social Services formally and in writing acknowledge to Beth that they erred in assessing an overpayment and apologize for any hardship this error may have caused to her.

Status: Not Accepted
The Ministry disagreed with our findings but acknowledged that there were some difficulties in reviewing decisions from so many years ago.

Recommendation #2:
The Ministry of Social Services pays back to Beth all monies they have thus far collected under the CRA-RSO program.

Status: Partially Accepted
The Ministry would not refund any money already collected from Beth, but agreed to stop collecting any further.

Workshops and Presentations

As the independent promoters and protectors of fairness, we have high expectations of government, as demonstrated by our new vision statement: "Government is always fair." That represents what would be, in our minds, a perfect situation. At the same time, we are very conscious that unfairness exists. After all, we receive about 2,200 complaints each year from people who believe that government has not been fair to them. We would doubtless receive many more if everyone in the province knew more about our office and the wide array of issues they can bring to us. That is where presentations and workshops can make a difference: presentations because they help people understand our services and workshops because they help government better understand fairness.

When people believe provincial government services have been unfair to them, it is important that they be aware of the available appeal routes and the role of the Ombudsman's office in reviewing these matters. Many of the groups who invite us to speak are in a key position to refer others to our office. Sometimes those referrals come from within government and sometimes from without.

Beyond referring complaints, it is vital that government take steps to prevent unfairness. Our "Fine Art of Fairness" workshops help government officials and employees understand what we believe fairness is and how to make it a greater part of public service. A theme of these workshops is the "fairness triangle" – a model that recognizes that three aspects come into play with every government service or decision: substantive issues, process issues and relationship issues. Substantive issues refer to what was decided, process issues refer to how it was decided and relationship issues refer to how people were treated while the decision was being made.

In 2009, we designated a lead facilitator from among our staff. Up to half of his time is available for facilitating workshops, while he continues to spend the remainder of his time working on complaint files. In fact, all of our facilitators have this dual role, but spend more of their time working on files. We believe that facilitation makes them better at working on files and that file work makes them better facilitators.

Those who attend tell us the workshops are useful and are helping them do their jobs better. Whether they be brief sessions tailored to corrections workers or full workshops for Health or Immigration, participants have been engaged and have challenged us with good questions. Among the many who attended our open workshops, which are available to anyone in government, there were a significant number of adjusters and field workers from the Saskatchewan Crop Insurance Corporation. The workshop is now part of their certification process.

"Just thought I'd say again how much my colleague and I enjoyed the course and we agreed that you really made it interesting. You work well together as facilitators and both have some pretty interesting background to draw on for examples. It's a very good course for anyone in the customer service industry."

- Cathy Yasinowski
Manager, Repair Programs
Saskatchewan Housing Corporation
Ministry of Social Services

"The session was interactive, fun, informative and the two days just flew. I highly recommend this training for anyone who works with client concerns."

- Jeanette Abbott
Manager of Quality Improvement
Heartland Health Region

Workshops

- Immigration Services (three workshops)
- Open Workshop, Regina
- Open Workshop, Saskatoon
- Open Workshop, Prince Albert
- Prince Albert Correctional Centre, Corrections Workers (four mini workshops)
- Parkland College, mini workshop
- Regina Qu'Appelle Health Region, Risk Management & Quality Improvement

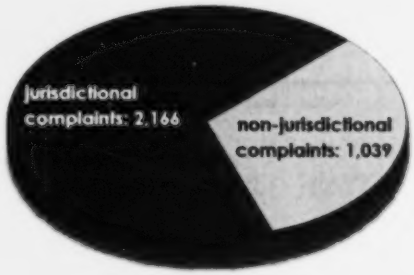
Presentations and Conferences

- Legislative Interns, orientation
- Immigration Services, Health Regulators
- Regina Correctional Centre, new Corrections Workers (two presentations)
- Regina Correctional Centre, Law & Policy Class, Corrections Workers
- CLASSIC Law
- Catholic Family Services
- F.W. Johnson Collegiate, Law 30 class
- SIAST, Institutional Correction class
- Prince Albert Grand Council, Justice Unit
- Foundation of Administrative Justice Conference, Edmonton
- Saskatchewan Dieticians Association
- Regina Home Economics for Living Project
- Saskatchewan Justice, Lawyers Rally
- Open Door Society, Saskatoon (two presentations)
- Ministry of Justice, Fine Collections Branch
- Ministry of Justice, Maintenance Enforcement Branch & Family Justice Services Branch
- Prince Albert Correctional Centre, Team Leaders (two presentations)
- Ministry of Health, Quality of Care Coordinators
- Regina Correctional Centre, Team Leaders
- United Way of Regina
- Chinook Public Library
- North Battleford Public Library
- Melville Public Library
- University of Saskatchewan, Political Studies class
- Bruno School, Law 30 class
- SIAST, Northlands College
- Hague High School, Law 30 & Life Transitions classes
- Saskatchewan Council of Social Sciences Conference
- SHETA /ASHE Conference (Saskatchewan Home Economics Teachers Association, Association of Saskatchewan Home Economics)

Statistics

Complaints Received

Most complaints we recieve are within our jurisdiction, and we also provide referral assistance for complaints that are outside our jurisdiction.



Closed File Statistics

We assess jurisdictional complaints to determine how many issues are related to each. Some complaints are complex and may be broken into several issues. During the course of our work on the file, each issue is reviewed and closed as an individual entity. For this reason, and because some files are carried over each year, the number of closed files and opened files should not be expected to match. What the closed file statistics do tell us is how each issue was closed. For example, we may have provided some initial support such as coaching, the issue may be considered resolved, or we may have made recommendations to the government.

Time to Process Files

We strive to complete files on a timely basis and in 2009 exceeded our goals.

Goals

- 90% of files closed within 90 days.
- 95% of files closed within 180 days.

Results

- 95% of files closed within 90 days.
- 97% of files closed within 180 days.

Complaints Received [1]		Ministries
2009	2008	
40	40	**Advanced Education, Employment and Labour**
6	8	**Agriculture**
		Corrections, Public Safety and Policing
75	71	Adult Corrections - Pine Grove Correctional Centre
116	92	Adult Corrections - Prince Albert Correctional Centre
245	234	Adult Corrections - Regina Correctional Centre
199	188	Adult Corrections - Saskatoon Correctional Centre
23	16	Adult Corrections - Other
10	15	Corrections and Public Safety - Other
668	**616**	**Totals - Corrections, Public Safety and Policing**
2	1	**Education**
10	21	**Environment**
0	1	**Executive Council**
9	11	**Finance**
1	1	**First Nations and Metis Relations**
3	0	**Government Services**
		Health
11	15	Drug Plan & Extended Health Benefits
31	30	Health - Other
42	**45**	**Totals - Health**

[1] **Complaints Received:** The number of complaints received from January 1 to December 31. These complaints are considered within jurisdiction, although a very small number of them may later be determined not to be.

[2] **Initial Support:** Our office provided initial support for these complaints. For example, we may have linked the complainant to a more appropriate step - perhaps an appeal process not yet tried, an advocacy service, or an internal complaints process. We also encourage people to bring their complaint back to our office if they still feel there is an unfairness after they have tried all the appeal routes available.

[3] **Referral Assistance:** These complaints are mainly ones where, after beginning a negotiation, mediation or investigation process, we have referred the complainant to an appeal route they have not yet tried or a more appropriate remedy.

Note: A complaint closed as *referral assistance* may be part of a multiple complaint that spans more than one category.

[4] **Situation Improved:** The complainant may not consider the complaint to be completely resolved, but the situation has improved - perhaps for them and perhaps also for others who may encounter a similar situation.

Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed in 2009

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Recommendation Made [7]	Discontinued [8]
24	**2**	**6**	**3**	**0**	**0**	**7**
4	**0**	**0**	**0**	**0**	**0**	**1**
55	2	12	3	5	1	9
74	3	18	4	13	1	11
140	24	31	43	11	0	16
124	10	28	20	0	1	19
18	1	0	1	1	0	2
8	1	2	0	0	0	1
419	**41**	**91**	**71**	**30**	**3**	**58**
2	**0**	**0**	**0**	**0**	**0**	**0**
6	**0**	**0**	**0**	**2**	**1**	**2**
0	**0**	**0**	**0**	**0**	**0**	**0**
5	**2**	**0**	**1**	**0**	**0**	**2**
1	**0**	**0**	**0**	**0**	**0**	**1**
1	**0**	**0**	**0**	**0**	**0**	**2**
9	0	1	2	0	0	1
19	1	5	2	0	2	1
28	**1**	**6**	**4**	**0**	**2**	**2**

[5] **Resolved:** The complaint has been completely or largely resolved. Examples: the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

[6] **Not Resolved:** The complaint has not been resolved. Examples: the complainant's situation is not significantly better and they remain dissatisfied with the government's decision or action, or there was no appropriate remedy available.

Note: A complaint closed as *not resolved* may be part of a multiple complaint that spans more than one category.

[7] **Recommendation Made:** Our office has made one or more recommendations. This includes recommendations that are accepted and rejected.

Note: A complaint closed as *recommendation made* may be part of a multiple complaint that spans more than one category.

[8] **Discontinued:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as *other* may be part of a multiple complaint that spans more than one category.

Complaints Received		Ministries
2009	2008	
3	3	**Highways and Infrastructure**
		Justice and Attorney General
10	10	Court Services
40	34	Maintenance Enforcement Branch
21	14	Public Trustee
23	41	Office of Residential Tenancies / Provincial Mediation Board
17	13	Justice - Other
111	**112**	**Totals - Justice and Attorney General**
3	3	**Municipal Affairs**
3	2	**Saskatchewan Institute of Applied Science and Technology (SIAST)**
		Social Services
90	80	Child and Family Services
4	5	Community Living
18	16	Housing - General
6	10	Housing - Regina
5	9	Housing - Saskatoon
25	23	Housing - Other Locations
455	508	Income Assistance Division - Social Assistance Program
57	59	Income Assistance Division - Income Supplement Programs
9	5	Social Services - Other
669	**715**	**Totals - Social Services**
4	2	**Tourism, Parks, Culture & Sport**

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Note: A complaint closed as *referral assistance* may be part of a multiple complaint that spans more than one category.

[4]**Situation Improved:** The complainant may not consider the complaint to be completely resolved, but the situation has improved - perhaps for them and perhaps also for others who may encounter a similar situation.

Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed in 2009

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Recommendation Made [7]	Discontinued [8]
0	**0**	**1**	**0**	**2**	**0**	**0**
7	1	1	1	0	0	0
18	3	22	2	0	0	1
10	4	2	1	1	0	4
12	1	3	0	3	0	4
10	0	1	3	1	5	4
57	**9**	**29**	**7**	**5**	**5**	**13**
2	**0**	**1**	**0**	**0**	**0**	**0**
2	**0**	**0**	**1**	**0**	**0**	**0**
78	6	4	2	1	0	6
3	0	1	1	0	4	0
5	0	6	4	2	0	0
4	0	0	0	0	0	0
1	0	3	0	2	0	0
16	1	3	5	2	0	1
267	38	78	63	8	1	16
21	4	12	14	1	0	3
3	3	2	0	1	0	2
398	**52**	**109**	**89**	**17**	**5**	**28**
1	**0**	**1**	**0**	**0**	**0**	**1**

[5] **Resolved:** The complaint has been completely or largely resolved. Examples: the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as resolved may be part of a multiple complaint that spans more than one category.

[6] **Not Resolved:** The complaint has not been resolved. Examples: the complainant's situation is not significantly better and they remain dissatisfied with the government's decision or action, or there was no appropriate remedy available.

Note: A complaint closed as not resolved may be part of a multiple complaint that spans more than one category.

[7] **Recommendation Made:** Our office has made one or more recommendations. This includes recommendations that are accepted and rejected.

Note: A complaint closed as recommendation made may be part of a multiple complaint that spans more than one category.

[8] **Discontinued:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as other may be part of a multiple complaint that spans more than one category.

Complaints Received [1]		Boards
2009	2008	
0	1	**Farm Land Security Board**
11	4	**Highway Traffic Board**
1	0	**Labour Relations Board**
		Regional Health Authorities
7	9	Regina Qu'Appelle Regional Health Authority
17	16	Saskatoon Regional Health Authority
14	30	Other Regional Health Authorities
38	**55**	**Totals - Regional Health Authorities**
1	1	**Saskatchewan Arts Board**
4	8	**Social Services Appeal Board**
1	1	**Water Appeal Board**
2	0	**Western Development Museum**
125	130	**Workers' Compensation Board**

[1] **Complaints Received:** The number of complaints received from January 1 to December 31. These complaints are considered within jurisdiction, although a very small number of them may later be determined not to be.

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[4] **Situation Improved:** The complainant may not consider the complaint to be completely resolved, but the situation has improved - perhaps for them and perhaps also for others who may encounter a similar situation.

Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed in 2009

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Recommendation Made [7]	Discontinued [8]
0	**0**	**0**	**0**	**0**	**0**	**0**
2	**0**	**1**	**1**	**2**	**0**	**4**
0	**0**	**0**	**0**	**0**	**0**	**1**
5	0	1	0	0	0	2
12	0	2	1	1	0	2
10	1	2	0	0	0	4
27	**1**	**5**	**1**	**1**	**0**	**8**
0	**0**	**0**	**0**	**0**	**0**	**1**
1	**0**	**1**	**1**	**2**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**	**1**
1	**0**	**1**	**0**	**0**	**0**	**0**
90	**11**	**6**	**0**	**8**	**0**	**8**

[5] **Resolved:** The complaint has been completely or largely resolved. Examples: the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

[6] **Not Resolved:** The complaint has not been resolved. Examples: the complainant's situation is not significantly better and they remain dissatisfied with the government's decision or action, or there was no appropriate remedy available.

Note: A complaint closed as *not resolved* may be part of a multiple complaint that spans more than one category.

[7] **Recommendation Made:** Our office has made one or more recommendations. This includes recommendations that are accepted and rejected.

Note: A complaint closed as *recommendation made* may be part of a multiple complaint that spans more than one category.

[8] **Discontinued:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as *other* may be part of a multiple complaint that spans more than one category.

Complaints Received		Crown Corporations
2009	2008	
2	3	**Information Services Corporation of Saskatchewan**
3	0	**Liquor and Gaming Authority**
7	5	**Saskatchewan Crop Insurance Corporation (SCIC)**
		Saskatchewan Government Insurance (SGI)
34	37	Auto Fund
93	95	Claims Division - Auto Claims
41	43	Claims Division - No Fault Insurance Protection (NFIP)
15	23	Claims Division - Other / SGI Canada
12	8	SGI - Other
195	**206**	**Totals - SGI**
1	1	**Saskatchewan Municipal Board**
0	1	**Saskatchewan Opportunities Corporation**
1	0	**Saskatchewan Research Council**
2	2	**Saskatchewan Transportation Company**
4	5	**Saskatchewan Watershed Authority**
49	40	**SaskEnergy**
55	65	**SaskPower**
35	39	**SaskTel**

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Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed in 2009

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Recommendation Made [7]	Discontinued [8]
1	**0**	**0**	**1**	**0**	**0**	**1**
1	**0**	**0**	**0**	**0**	**0**	**1**
3	**0**	**1**	**0**	**1**	**0**	**0**
18	2	5	6	1	0	4
72	6	3	1	6	0	6
27	4	4	1	0	0	6
9	2	0	0	0	0	3
7	0	3	1	0	0	1
133	**14**	**15**	**9**	**7**	**0**	**20**
1	**0**	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**0**	**0**	**0**	**0**
1	**0**	**0**	**0**	**0**	**0**	**0**
0	**0**	**0**	**1**	**0**	**0**	**0**
3	**0**	**0**	**0**	**1**	**0**	**2**
21	**0**	**10**	**13**	**2**	**0**	**2**
21	**1**	**14**	**16**	**3**	**0**	**4**
17	**1**	**8**	**4**	**7**	**0**	**4**

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[8] **Discontinued:** Our office or the complainant has chosen to withdraw or discontinue the complaint. This includes situations where we find, after some involvement, that the complaint is outside our jurisdiction.

Note: A complaint closed as *other* may be part of a multiple complaint that spans more than one category.

Complaints Received		Commissions
2009	2008	
1	0	Automobile Injury Appeal Commission
6	4	Public Service Commission
1	1	Saskatchewan Financial Services Commission
9	3	Saskatchewan Human Rights Commission
1	0	Saskatchewan Human Rights Tribunal
32	26	Saskatchewan Legal Aid Commission
4	9	Saskatchewan Public Complaints Commission
		Agencies
1	0	Enterprise Saskatchewan
2,166	2,191	**TOTALS - All Categories**

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Note: A complaint closed as *situation improved* may be part of a multiple complaint that spans more than one category.

Complaints Closed in 2009

Initial Support [2]	Referral Assistance [3]	Situation Improved [4]	Resolved [5]	Not Resolved [6]	Recommendation Made [7]	Discontinued [8]
0	0	0	0	0	0	1
3	0	1	0	0	0	2
1	0	0	0	0	0	0
7	1	1	0	0	0	1
1	0	0	0	0	0	0
22	2	0	1	0	0	5
3	0	1	0	0	0	1
1	0	0	0	0	0	0
1311	**138**	**309**	**224**	**90**	**16**	**184**

[5] **Resolved:** The complaint has been completely or largely resolved. Examples: the complainant feels the complaint has largely been resolved, or we determine the complaint to be largely resolved.

Note: A complaint closed as *resolved* may be part of a multiple complaint that spans more than one category.

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Note: A complaint closed as *other* may be part of a multiple complaint that spans more than one category.

Budget

		2007-2008	2008-2009	2009-2010*
Budgetary Expenditures				
	Personal Services	$1,358,150	$1,472,300	$1,590,000
	Contractual Services	$265,210	$292,300	$279,100
	Advertising, Printing & Publishing	$45,100	$40,000	$60,700
	Travel & Business	$47,800	$39,800	$49,000
	Supplies & Services	$8,300	$11,300	$18,100
	Capital Assets	$18,200	$52,600	$18,100
	Budgetary Total	**$1,742,760**	**$1,908,300**	**$2,015,000**
Statutory Expenditures				
	Personal Services	$163,450	$172,600	$180,000
	Statutory Total	**$163,450**	**$172,600**	**$180,000**
Total (Budgetary and Statutory)		**$1,906,210**	**$2,080,900**	**$2,195,000**

*Due to the timing of this report, the 2009-2010 numbers reflect the budgeted amount rather than the actual.

Staff

Regina Office

Kevin Fenwick
Ombudsman

Gordon Mayer
General Counsel

Janet Mirwaldt
Deputy Ombudsman

Brian Calder
Ombudsman Assistant

Sherry Davis
Ombudsman Assistant

Jaime Carlson
Ombudsman Assistant (term)

Arlene Harris
Ombudsman Assistant

Roy Hodsman
Ombudsman Assistant (on leave)

Melissa Wallace
Ombudsman Assistant (term)

Carol Spencer
Complaints Analyst

Leila Dueck
Communications, Public Education & Fair Practices Director

Debra Zick
Executive Administrative Assistant

Azteca Landry
Administrative Assistant (permanent part-time)

Saskatoon Office

Joni Sereda
Deputy Ombudsman

Renée Gavigan
Ombudsman Assistant

Christy Bell
Ombudsman Assistant (term)

Connie Braun
Ombudsman Assistant (on leave)

Jeff Cain
Ombudsman Assistant

Karen Topolinski
Ombudsman Assistant

Barbara Schindel
Complaints Analyst

Diane Totland
Complaints Analyst

Lynne Fraser
Manager of Administration

Michelle Baran
Administrative Assistant

Jennifer Kovar
Administrative Assistant (term)

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